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EXAMINER

COLE, LAURA C

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,513

Applicant(s)

BRISON, MARC

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Claims 5 and 6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected pivotal joint, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

### *Drawings*

2. The drawings were received on 14 July 2003. These drawings are acceptable.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 and 7-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 Lines 9-10, what is meant by "said means being at least:" Which means does the applicant intend, the "gripping and manipulating means" (Lines 3 and 5), "means for fixing different pieces of textile" (Line 8), or the "means for securing" (Line 4)?

Claim 1 recites the limitation "the broom-stick" in Line 5, "the holding handle" in Line 5, "the lower base" in Line 9, and "the upper base" in Line 10. There is insufficient antecedent basis for this limitation in the claim.

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Claim 16 Line 3, it is unclear as to what a "bell type strip" comprises. Is a "bell type strip" a standard term for a strip? Examiner is unfamiliar with the language.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 9, 17-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krajicek, USPN 4,852,210.

Krajicek discloses a wet mop with interchangeable scrubbing pad and cloth wipe that comprises a plate of generally rectangular shape (Figure 5 (9)), gripping and manipulating means (Figures 2 and 5, the assembly of (6) and (7)), means for securing pieces of textile (Column 3 Lines 5-11), the gripping means is interchangeable (the portions (6) and (7) may be interchangeable as the central rod is not permanently fixed to secure (7) (see Figure 4) or can be interchangeable in that the features may be broken and replaced), a central rod connected to the plate (Figures 3 and 4 display two separate embodiments of a central rod configuration), a plurality of means for fixing different types of pieces of textile being at least on the lower base of the plate with plane portions for self-gripping strips (Figure 8 displays plane portions (22) that engage self-gripping strips (23) that are situated on the lower base of the plate) or on the upper face of the plate having clamping mechanisms co-operating with a cavity in the plate to hold up pieces having turned-back edges and holes suitable for press stud systems (the clamping mechanism being the elastic band of Figure 6 (27) which

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cooperates with the cavity that is formed by outer lip (17) when the textile (26) has turned-back edges, and holes (21) that are suitable for press-stud systems.) Krajicek further discloses a joint (Figure 5 assembly (6) and (7)) pivoting on a central rod (Figures 3-4) connected to a plate, that a threaded socket (Figure 5 (6)) is screwed to the broom-stick (as shown in Figure 1), or that the threaded socket (Figure 5 (6)) may be considered to be the handle and manipulated by hand, the lower base is provided with cavities for receiving the self-gripping strips (Figure 5 (21)), that the holes which could be suitable for press stud systems are provided on the ends of the plate (the holes suitable for press stud systems are (21) of Figure 5 as the press stud "holes" are not required to work with the self-gripping strips as the claim dependency is set up, so holes (21) could be suitable for either embodiment, the holes (21) are provided on the ends of the plate in Figure 5), the holes have an oval profile oriented longitudinally (as a round "circular" shape shown in Figure 5 could be considered an oval), the walls of the holes are "resiliently" deformable, and that a sponge support is "clipped" into the holes under the lower base (The sponge is Figure 5 (18) and is clipped in a way as shown in Figure 7.)

5. Claims 1, 10, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas, USPN 3,465,377.

Thomas discloses a dust mop head having cushion means that comprises a plate of generally rectangular shape (Figure 1 (1)) provided with gripping and manipulating means (Figure 1 swivel assembly (3)) being interchangeable (a replacement joint may be "interchanged" if the joint or rod was broken), means

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for securing textile being on the upper face having clamping mechanism to hold turned back edges, cooperating cavities, and having holes (Figure 1 (17) and (18) are the clamping mechanisms; Column 3 Lines 6-13; the cavities are seen in Figure 1 as where elements (17) and (18) descend into, but are unlabeled; and holes also unlabeled and seen in Figure 2), and a central rod (seen in Figure 1 connected to swivel (3)). Also the clamping mechanism is a specially shaped strip (Figure 1 (17) and (18)) co-operating with a central window (unlabeled central hole in Figure 2) and two lateral cavities (unlabeled yet shown in Figure 1 where elements (17) and (18) descend into) that are located on the upper face of the plate (Figure 1.) It appears as if the strip is of a "bell type" in the Figures.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Garcia, USPN 5,419,015.

Garcia discloses a mop with removable interchangeable work pads that comprise a generally rectangular plate (Figure 3 (23)) with gripping and manipulating means (Figures 1 and 2 (25)), a handle (21), a central rod (Figure 2 (30)), and means for fixing different types of fabric to the plate include at least on the lower base of the plate planar portions for self-gripping strips (Figures 1, 2, and 4 (28)).

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krajicek, USPN 4,852,210 in view of Nichols et al., USPN 4,642,837.

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Krajicek discloses all elements mentioned above, however do not include two flexible strips on the joint for the attachment between the joint and the handle.

Nichols et al. disclose a broom having interlocking components comprising a joint (Figure 1 (7)) pivoting on a rod (9)), the joint having two flexible strips (Figure 1 (31)) for detaching the stick or handle from the plate. Also, the strips bear toes (Figure 4 (49)) capable of sliding in positioning guides or "holes" (Figures 1 and 4 (33)) that are part of the sleeve assembly (Figure 4 displays that a sleeve (5) encompasses the entire "section") for supporting the broomstick or handle.

It would have been obvious for one of ordinary skill in the art to modify the joint for the attachment between the joint and the handle of Krajicek and substitute for the one of Nichols et al. so as to provide flexible strips and a flexible quick release handle and joint connection so that the user can vary handles for the appropriate function that is to be performed with the plate.

### ***Applicants Arguments***

8. The Applicant argues in Paper No. 10 filed 14 July 2003 that:

A. Under 35 U.S.C. 112 that a "shaped strip" is well described in the specification.

B. Under 35 U.S.C. 112 that the specification clearly explains claim 13.

C. Under 35 U.S.C. 112 that the shaped strip is described as the clamping mechanism.

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D. Under 35 U.S.C. 112 that “clipped into the holes” is clear as is described in the specification.

E. None of the cited references teach or suggest that a “gripping and manipulating means, between, the broom stick or the holding handle and, a central rod, are interchangeable.”

F. Krajicek discloses a handle 1 that is not considered “gripping and manipulating means” and contains no suggestion that a universal joint may be interchangeable.

G. Thomas discloses a handle 2 that is not considered a “gripping and manipulating means” and contains no suggestion that the swivel is “interchangeable.”

H. Garcia contains no teaching or suggestion of any “gripping and manipulating means” that are “interchangeable.”

I. Petner contains absolutely no teaching or suggestion of any feature that might be considered a “gripping and manipulating means” that are “interchangeable.”

J. Applicant has a priority date of December 19, 1997 which is prior to the March 31, 1998 U.S. filing date of Petner.

K. Krajicek does not provide “gripping and manipulating means” and contains no suggestion that a universal joint may be interchangeable, and Nichols et al. does not provide for these deficiencies of Krajicek.

***Response to Arguments***



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9. Applicant's arguments A-D and I-J, see Paper No. 10, filed 14 July 2003, with respect to rejections previously made under 35 U.S.C. 112 and 35 U.S.C. 102 have been fully considered and are persuasive. The previous rejections of Petner have been withdrawn.

10. Applicant's arguments E-H and K filed 14 July 2003 have been fully considered but they are not persuasive.

E. Krajicek, Thomas, and Garcia each disclose a "gripping and manipulating means between the broom-stick or holding handle and a central rod..." as mentioned above. Further, such "gripping and manipulating means" is considered to be "interchangeable" as one could break apart such means that Krajicek, Thomas, or Garcia disclose to replace it with a new means or disassemble the means in order to modify it or attach a different manipulating means. Krajicek, Thomas, and Garcia each place the means between a handle and a central rod. See above.

F. As stated above, Krajicek discloses a "gripping and manipulating means" being the joint assembly of (6) and (7) located between a handle (1) and a central rod (shown in Figures 3 and 4). The "means" is interchangeable in that it could be broken or disassembled to provide for another "means".

G. As stated above, Thomas discloses a "gripping and manipulating means" being the joint assembly of (3) located between a handle (2) and a central rod (shown in Figure 1). The "means" is interchangeable in that it could be broken or disassembled to provide for another "means".

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H. As stated above, Garcia discloses a "gripping and manipulating means" being the joint assembly of (25) located between a handle (21) and a central rod (30). The "means" is interchangeable in that it could be broken or disassembled to provide for another "means".

K. Nichols is applicable, as Krajcek comprises all inventive elements as claimed.

***Allowable Subject Matter***

11. Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 2,116,375 to Aubitz discloses a mop connector that is used in a number of handle attachment means to a central rod on a mop head (3). Aubitz describes attachment means between a central rod and a handle that is interchangeable.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The

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fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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